

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clark A. Kruger, et al.,

Civil 05-1451 & 05-1504 JMR/FLN

Plaintiffs,

v.

REPORT & RECOMMENDATION

Kevin Goodno, Dean Mooney,
Stephen Huot, MCI World Corporation,

Defendants.

1. In September the Plaintiffs made a motion to dismiss the above referenced cases without prejudice;

2. Defendants opposed the dismissal without prejudice, and requested that the cases be dismissed with prejudice. The Defendants contend that they would be prejudiced by a dismissal without prejudice because Plaintiffs would be free to bring these claims again in the future;

3. On September 28, 2006, Plaintiffs wrote the court a letter stating that “none of the plaintiffs have any intent to bring these claims again at a later date.”

4. Based upon the foregoing, the Court recommends that these cases be dismissed with prejudice.

DATED: November 16, 2006.

s/ Franklin L. Noel

FRANKLIN L. NOEL

United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **December 6, 2006**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.